

# 2021 VIRTUAL ANNUAL MEETING



## HOW JUDGES CAN SUPPORT ATTORNEY WELL-BEING AND WHY THEY SHOULD CARE

Judge Paul Bacigalupo, Judge Erica Yew, Judge Kevin Rosenberg, Erin Joyce (moderator)

# ATTORNEY WELLBEING

## MULTIDIMENSIONAL APPROACH:

1. Physical Well-Being
2. Spiritual Well-Being
3. Career Well-Being
4. Social Well-Being
5. Emotional Well-Being



## Balance is Key

The American legal profession has long been considered the pantheon of balancing issues in order to create justice.



# The Dilemma: the Need to Prioritize Work

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- Earn Money
- Social Satisfaction
- Positive Feelings
- Prestige
- Personal Development
- Contributions to Health
- Self-Expression



The Cost:

# Personal Well-Being



# Judges are not Immune

Growing Number of Cases & Heavy Workloads



Demands for Swift Justice & Quality Representation



Increased Stress, Anxiety, Substance Use and Mental Health Issues



“

There is nothing permanent except  
change.”

Heraclitus

“Times and conditions change so rapidly  
that we must keep our aim constantly  
focused on the future.” Walt Disney

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# National studies suggest new strategies by judicial officers can help reduce the burdens of stress

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Stress on attorneys

Stress on litigants

Additional litigation costs

Reduced access to justice



## Judicial Officers

- Bear a unique position of leadership
- Prospect for an immediate impact on the trust and well-being of our judicial system.
- Their actions can literally help to save lives and improve the cause of justice.



# Despite Growing Awareness, Mental Health Issues Continue to Disproportionately Ravage Attorneys



## Undisputed Data

Lawyers face disproportionate levels of addiction and mental health problems.

Substance abuse is also only one of a multitude of issues that impact the profession.



The image of attorneys suffering has become engrained in our popular culture.

# Mental health disorders can profoundly affect attorneys'

Daily functioning

Difficulty concentrating

Obsessive thoughts

Irritability

Sweating

Fatigue

Muscle Tension

Feelings of inadequacy

Sleep disturbances

Heart Palpitations

Sense of worry and impending danger

Withdraw from peers, friends and family

Engage in "maladaptive coping behaviors...."

## All side effects of anxiety and depression.....





Another important source of dissatisfaction and a major psychological obstacle to one's well-being and happiness

**PERFECTIONISM**  
is a **disease** of the legal industry

# Judges and Court Employees

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Their needs and concerns must be addressed if the legal system is going to gain and maintain public's trust and confidence that the courts will administer justice fairly among cases.

# So What Can Judicial Officers do to Impact Attorney Mental Health?

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“Judges are in a unique position to bring together stakeholders to form partnerships and multidisciplinary teams that can achieve successful outcomes.”

–National Center for State Courts report on the opioid crisis

Yet the ability of a judge to shape the procedure and policies in their courtroom for good cannot be overstated.

## Strategies that can be used by judicial leadership:

1. Adopt Civility Guidelines
2. Actively and affirmatively cultivate competence
3. Pay attention to stressful situations among litigants surrounding scheduling/briefing
4. Encourage pro bono efforts
5. Building relationships with lawyers
6. Cultivate an atmosphere that promotes/supports wellness



## Simple Strategies to Help Reduce Stress

Judicial leadership can help pave the way by encouraging and adopting civility guidelines.

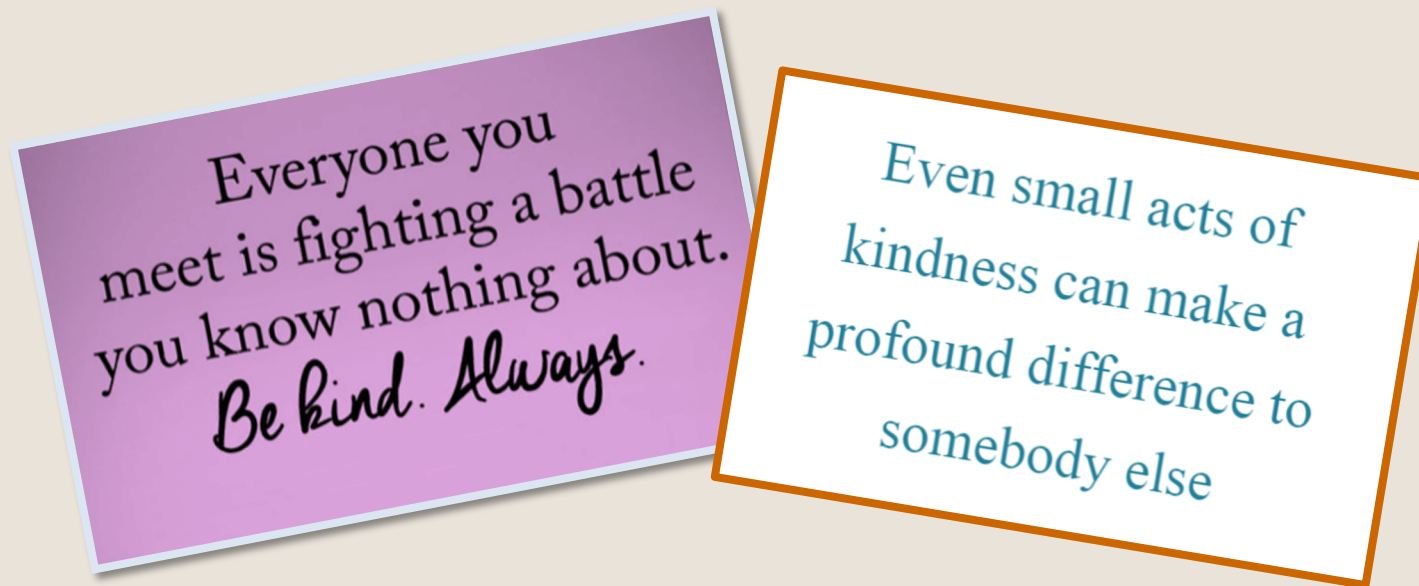
- Consider avoiding setting important, time-consuming matters for Mondays which encourage working all weekend to perfect a brief or oral argument;
- Directly ask about/consider the needs of parents in dual-job households by offering novel trial timing strategies (such as four days per week or five-hour blocks from 8-1 pm, for example);
- Distribute civility guidelines from one's court system directly in hard copy in courtrooms, and make it required reading for all participants; and
- Urge legislators and rule-makers to make civility guidelines more than guidelines but have the force of law.



## Actively and affirmatively cultivate competence

According to Professors Krause and Chong:

- Well-being is an indispensable part of a lawyer's duty of competence
- Promotion of a lawyer's competence builds satisfaction, self-image and professionalism.





## Pay attention to stressful situations among litigants surrounding scheduling and briefing

Often, battles among litigants take place over simply scheduling issues:

- Set trial dates by agreement with the parties.
- Volunteering to give additional time to parties who do not dare to ask.
- Allow reasonable requests for exceptions and extensions

Stay committed to your  
decisions, but stay  
flexible in your approach.



## Encourage pro bono efforts

Attorney well-being is not just about reducing time worked and the stresses of litigation.

### *Pro Bono matters*

Many lawyers chose to join the legal profession in order to rectify injustice and make a difference in civic culture.

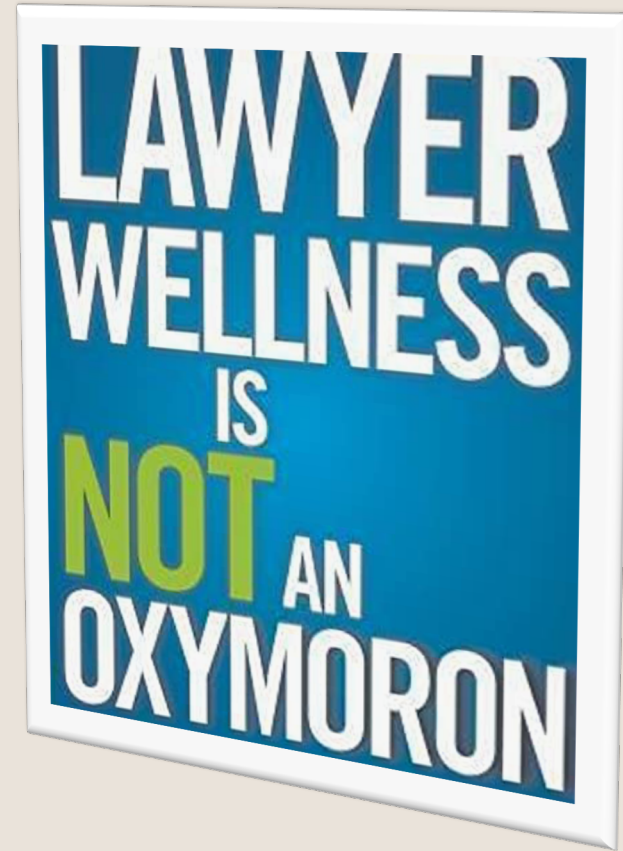




# Volunteering Health Benefits

Physical - Mental – Emotional – Community - Career

- Live longer – up to 10 years
- Less heart disease
- Lower levels of depression
- Less chronic pain
- Lower blood pressure
- Improved immune system
- Helps you lose weight
- Helps reduce alcohol consumption and smoking



Professors Krause and Chong note the following:

“If lawyers, on a mass level, are being denied the ability to take on work from which they can derive fulfillment and a sense of purpose reflective of their interests and values – within a profession that purports to be a primary force in assisting clients from all walks of life, rectifying injustices and championing social causes, and modeling the virtues of “deliberative judgment and public-spirited concern for the good of the law as a whole”

then the problem starts with the priorities of the bar.”



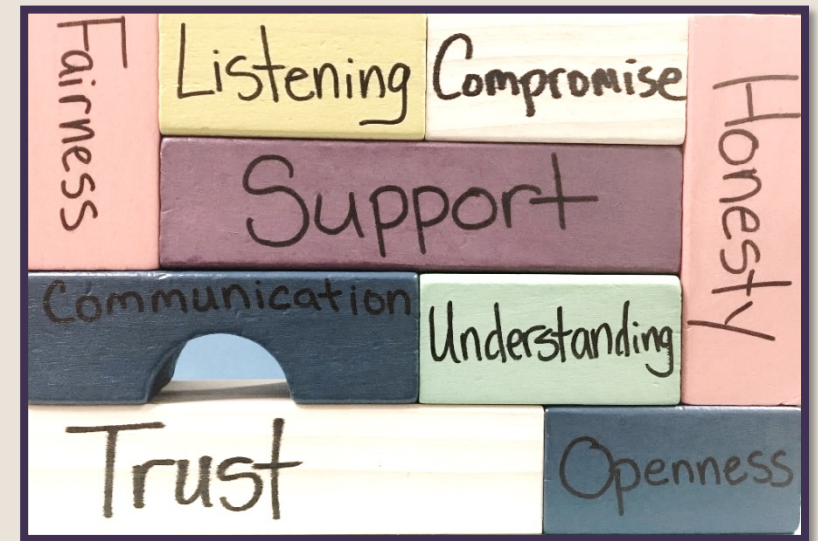
## Building relationships with lawyers

Some Examples:

Discussions in chambers and off record may encourage civil behavior

Informal discovery conferences avoid contentious motions

Attendance at Bar Association luncheons



## Cultivate an atmosphere that promotes/supports wellness

### Judicial officers

- Lead by example
- Take better care of themselves
- Encouraging others by sharing their experiences and knowledge.

Be present  
in the  
moment

Practice  
gratitude  
every day

Remember  
to smile

Look for  
opportunities  
to be  
positive

Go out of  
your way to  
connect

Get out -  
get physical

Eat healthy  
food

Read books

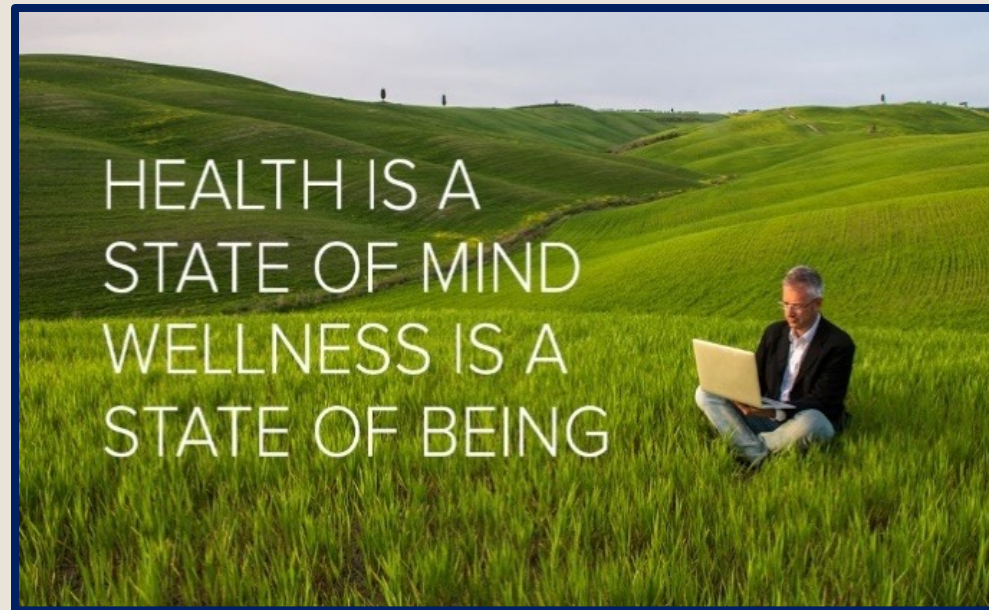
Listen to  
audiobooks  
or music

Find a  
hobbies

Seek  
professional  
Help

## QTIP

“Quit Taking Things Personally”



## *Prioritize courtesy*

### Judges set the tone of proceedings

- Perceived leader in and out of courtroom
- Should model respect and courtesy at all times
- Sets the tone with court staff, attorneys, parties, jurors and witnesses
- Is responsible for addressing incivility in a positive manner

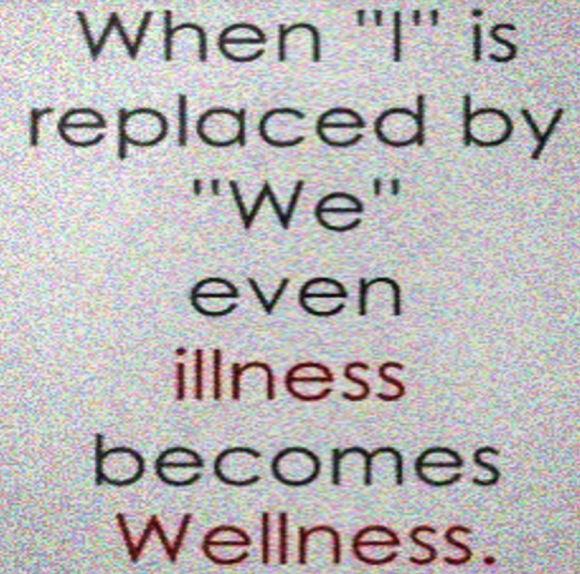




## Judiciary Impact

Cannot be underestimated

It is time



When "I" is  
replaced by  
"We"  
even  
illness  
becomes  
Wellness.

To strengthen and support the leadership positions  
Address the issues plaguing attorney's mental health.

## Additional Resources

California Lawyers Assistance Program: 877/LAP-4-HELP (877/527-4435)

The Other Bar, a confidential counseling program for lawyers dealing with alcoholism and other substance abuse, at [www.OtherBar.org](http://www.OtherBar.org) or 800/222-0767

LifeRing, a program of peer support groups, at [www.LifeRing.org](http://www.LifeRing.org) or 800/811-4142

National Task Force on Lawyer Well-Being, American Bar Association, the “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change (2017)



## Additional Resources

National Task Force on Lawyer Well-Being, “Report from the National Task Force on Lawyer Well-Being, November 09, 2018

([https://www.americanbar.org/groups/lawyer\\_assistance/task\\_force\\_report/](https://www.americanbar.org/groups/lawyer_assistance/task_force_report/) <https://lawyerwellbeing.net>)

National Center for State Courts, 2019 Report of the National Judicial Opioid Task Force, (Courts as Leaders in the Crisis of Addiction”)

(<https://www.ncsc.org/information-and-resources/resource-centers/resource-centers-items/opioids-and-the-courts/resource-center>)

Report from the National Judicial Task Force, “Addressing the Mental Health and Well-Being of Judges and Court Employees”, January 16, 2021

([https://www.ncsc.org/\\_data/assets/pdf\\_file/0023/59603/Addressing-the-Mental-Health-and-Well-being-of-Judges-and-Court-Employees-Final.pdf](https://www.ncsc.org/_data/assets/pdf_file/0023/59603/Addressing-the-Mental-Health-and-Well-being-of-Judges-and-Court-Employees-Final.pdf))



# Questions